



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution Confirming the 2002/2003 Annual Report and Levy Assessment for the Downtown Lodi Business Improvement Area No.1

MEETING DATE: December 18, 2002

PREPARED BY: Economic Development Coordinator

RECOMMENDED ACTION: That the City Council at the close of the hearing, there being no majority protest, either written or oral presented to the Council, adopt the Resolution confirming the Business Improvement Area No. 1 2002/2003 Annual Report and thereby levying the assessment as proposed.

BACKGROUND INFORMATION: At the Council meeting of November 20, 2002, the Business Improvement Area 2002/2003 Annual Report was presented to the Council. The Council accepted the report and established December 18, 2002 as the time and date for the public hearing to be held on the proposed levy for the Business Improvement Area purposes.

The public hearing is called for and set pursuant to Section 36535 of the California Streets and Highways Code. At the hearing, the public has an opportunity to present written or oral protests to the assessment being proposed. In order for such a protest to be successful, the protest must comply with the provisions of Sections 36524 and 35535 of the California Streets and Highways Code. For an Assessment protest to be successful, protests must be received from the owners of businesses in the improvement area, and must represent fifty percent (50%) or more of those member businesses paying the assessments proposed to be levied. If such a level of protest is not reached, a Resolution should be adopted by the Council confirming the report as originally filed, or as changed by it. The adoption of such a resolution constitutes the levy of the assessment for the BIA during calendar year 2003.

Copies of the Annual Report are available at the office of the Downtown Lodi Business Partnership ("DLBP") and City of Lodi Economic Development Department.

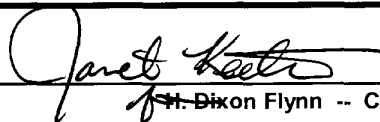
Funding: None Required

Respectively Submitted,


Tony C. Goehring
Economic Development Coordinator

Attachments

APPROVED: _____


H. Dixon Flynn -- City Manager

When Recorded, Return to:
City of Lodi City Clerk's Office
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2002-258

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI CONFIRMING THE 2002/2003 ANNUAL REPORT FOR
THE DOWNTOWN LODI BUSINESS IMPROVEMENT AREA
NO. 1 AND LEVY OF ASSESSMENT

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WHEREAS, Downtown Lodi Business Improvement Area No. 1 was established December 17, 1997 by Council adoption of Ordinance No. 1654; and

WHEREAS, the Annual Report as required by Streets and Highways Code §36533 has been submitted to the City Council by the Board of Directors of said Improvement Area; and

WHEREAS, a public hearing was held as required by Streets and Highways Code §36524 on December 18, 2002 in the City Council Chambers at Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 p.m. or as soon thereafter as possible to consider protests to the assessment levy.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

- 1) The required public hearing was duly held, at which time the public was allowed to present written or oral protests to the levy of assessment for Downtown Lodi Business Improvement Area No. 1.
- 2) A majority protest as defined in the Streets & Highways Code §36525 was not made.
- 3) The 2002 Annual Report as submitted on November 20, 2002 by the Board of Directors of the Improvement Area to the City Council is hereby confirmed as originally filed.
- 4) The confirmation of the report and adoption of this resolution constitutes the levy of the assessment as contained in the Annual Report for the calendar year 2003.

Dated: December 18, 2002

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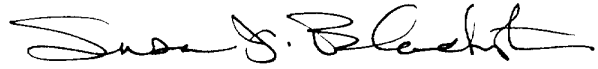
I hereby certify that Resolution No. 2002-258 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 18, 2002, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and
Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

A handwritten signature in black ink, appearing to read "Susan J. Blackston", with a stylized flourish at the end.

SUSAN J. BLACKSTON
City Clerk



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: RESOLUTION OF INTENTION TO LEVY THE ANNUAL ASSESSMENT FOR
DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1, ESTABLISHING
PUBLIC HEARING DATE, AND RECEIVING ANNUAL REPORT

LEGAL AD

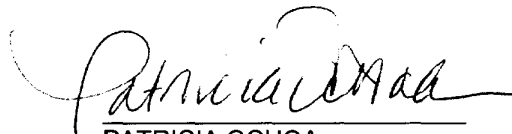
PUBLISH DATE: SATURDAY, NOVEMBER 23, 2002

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: Thursday, November 21, 2002

ORDERED BY:


PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at 5:13 pm (time) on 11/21/02 (date) 2 (pages)
Kelsey 2:15 pm 11/21/02 (time) 11/21/02 (date) 2 (pages)
Phoned to confirm receipt of all pages at 2:15 pm (time) 11/21/02 (date) 2 (pages)
Jac ✓ Tricia ✓ Jen (initials)

A RESOLUTION OF INTENTION TO LEVY
ANNUAL ASSESSMENT FOR DOWN-
TOWN LODI BUSINESS IMPROVEMENT
AREA NO. 1, ESTABLISHING PUBLIC
HEARING DATE, AND RECEIVING
ANNUAL REPORT

WHEREAS, Downtown Lodi Business improvement Area No. 1 was established December 17, 1997 by Council adoption of Ordinance No. 1654; and

WHEREAS, the Annual Report as required by Streets & Highways Code, §361533 has, been submitted to the Council by the Board of Directors of said Improvement area as follows:

NOW, THEREFORE, the City Council or the City of Lodi does hereby resolve, determine, and find as follows:

1. Receive the Annual Report as submitted, said Report being on file with the City Clerk.

2. Establishes December 18, 2002 in the City Council Chambers, at Carnegie Forum, 305 West Pine Street, Lodi, California at 7:00 p.m., or soon thereafter as possible, as the date, place, and time to hold the public hearing required by Street and Highway Code §36534.

3. It is the intention of the City Council to levy and collect assessments within the parking and business improvement area for calendar year 2003 (the Area's fiscal year).

4. The boundaries of the entire area to be included in the Area, and the boundaries of each separate benefit zone within the area, are set forth in the Map, Exhibit A, incorporated herein by reference. A true and correct copy of the map is on file with the City Clerk of the City of Lodi.

5. The types of improvements and activities proposed to be funded by the levy of assessments on business in the Area are in Exhibit B hereto and incorporated by reference.

6. At the time of the public hearing, written and oral protests may be made. The form and manner of protests shall comply with Streets & Highways Code §§36524 and 36525.

Dated: November 20, 2002

EXHIBITS A & B AND FURTHER INFORMATION REGARDING THIS MATTER MAY BE OBTAINED IN THE OFFICE OF THE CITY MANAGER/ECONOMIC DEVELOPMENT, 221 W. PINE ST. LODI.

Anyone wishing to be heard on the issue may appear before the City Council at the time of the public hearing. Written statements may be filed with the City Clerk, 221 W. Pine St., 2nd floor, Lodi, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Nov. 23, 2002

— 4954

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
EMILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

December 19, 2002

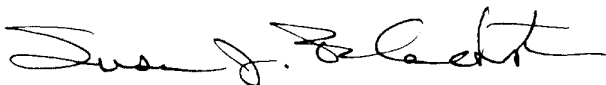
Lew Van Buskirk, Executive Director
Downtown Lodi Business Partnership
P.O. Box 1565
Lodi, CA 95241

**RE: RESOLUTION CONFIRMING THE 2002/2003 ANNUAL REPORT FOR
THE DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1 AND
LEVY OF ASSESSMENT**

The Lodi City Council, at its meeting on December 18, 2002, adopted the enclosed resolution confirming the 2002/2003 Annual Report for the Downtown Lodi Business Improvement Area No. 1 and levy of assessment.

Should you have any questions, please feel free to contact my office.

Sincerely,



Susan J. Blackston
City Clerk

JMP

Enclosure